

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R. IVANNE VAZQUEZ,
Plaintiff,

v.

SELECT PORTFOLIO SERVICING, et al.,
Defendants.

Case No. 13-cv-03789-JST

**NOTICE THAT APPLICATION FOR
FILING APPEAL IN FORMA
PAUPERIS SHOULD BE DENIED
PURSUANT TO 28 U.S.C. § 1915**

Re: ECF No. 76

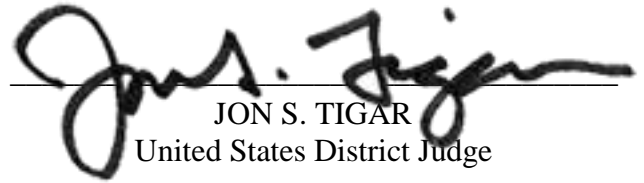
Plaintiff has applied to proceed *in forma pauperis* (“IFP”) on appeal. ECF No. 76. IFP applications are reviewed using a two-part analysis pursuant to 28 U.S.C. § 1915. First, the Court must determine whether the movant has demonstrated that he or she is “unable to pay” filing fees. 28 U.S.C. § 1915(a)(1). Next, the Court must ensure that the applicant states a cognizable, non-frivolous claim. 28 U.S.C. § 1915(a)(3) & (e)(2)(B).

Even though it appears that Plaintiff is qualified financially to proceed IFP, for the reasons outlined in the Court’s order dismissing the complaint and the Court’s order denying Plaintiff’s motion for reconsideration, it is the judgment of this Court that Plaintiff’s complaint is frivolous, as it “has ‘no arguable basis in fact or law.’” O’Loughlin v. Doe, 920 F.2d 614, 617 (9th Cir. 1990) (quoting Franklin v. Murphy, 745 F.2d 1221, 1228 (9th Cir. 1984)). Appeal of the dismissal is therefore not “taken in good faith” within the meaning of 28 U.S.C. § 1915(a)(3). See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The application is DENIED. The Clerk is instructed to send a copy of this Notice to the U.S. Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: June 19, 2014


JON S. TIGAR
United States District Judge

United States District Court
Northern District of California